

Brookhaven, NE  
Zoning Including Hydrogeologic Sensitive Zones  
Contact: Town Clerk  
(516)654-7822  
Adopted: 1983  
Revised: 1991

ARTICLE XXIX  
L Industrial 1 District  
(Light Industry)

° 85308. Permitted and prohibited uses; property located in hydrogeologic sensitive zones.

A. In the L Industrial District, buildings, structures and premises may be used for any lawful business or industrial use, except as otherwise provided in this Part 1 and except for the following prohibited uses:

Abattoirs

Acetylene, natural, or any type of gas manufacture and the storage thereof

Acid manufacture, all types and kinds as a principal industry

Ammonia, bleaching powder or chlorine manufacture

Arsenals

Asphalt manufacture or refining

Bag cleaning

Blast furnaces

Boiler works

Brick, tile or terra cotta manufacture

Burlap manufacture  
8700 6-25-90

° 85~308 ZONING ° 85~308

Candle manufacture Celluloid manufacture

Cement, concrete, lime, gypsum or plaster of paris manufacture or the batching, mixing or combining of materials to \A produce concrete or concrete products

Chemical works and manufacture

Coal-tar products manufacture

Coke ovens

Commercial centers, as defined in ° 8~1 of this Part 1

Crematories not connected with a cemetery

Creosote treatment or manufacture

Disinfectant manufacture

Distillation of bones, coal or wood

Dyestuff manufacture

Emery cloth and sandpaper manufacture Explosives manufacture or storage Exterminator and insect poisons manufacture

Facilities and sites where solid waste, as defined in Chapter 45

or demolition debris transfer stations, is taken from collection vehicles, sorted and/or placed in other transportation units for movement to any other site, location or facility

Farmers' markets, except when authorized by special permit from the Board of Appeals

Fat rendering

Fertilizer manufacture and bone grinding

Fireworks or explosives manufacture or storage

Fish smoking and curing

Forge plants

ARTICLE XXIX

L Industrial 1 District

(Light Industry)

° 85-308. Permitted uses.

A. In the L Industrial 1 District, buildings, structures and premises may be used for any lawful business or industrial use, except as otherwise provided in this Chapter and except for the following prohibited uses:

Personal service shops and stores and shops for the sale at retail of consumer merchandise or services, or both. For purposes of this zoning category, warehouses where goods and services are sold at wholesale or retail shall be deemed a permitted use providing the entire structure is occupied by a single tenant~ an adequate buffer is provided from nearby residential uses, the property fronts on the Long Island Expressway or other major arterial and where traffic operations levels of service and safety~y will not be degraded.

Indicates additions)

Indicates deletions)

This amendment shall take effect as required by Section 133 of the Town

Dated: February 5, 1991

Garbage, offal or dead animals reduction, dumping or incineration

Gas manufacture of all types

Gasoline filling stations

Glue, size or gelatin manufacture

Gunpowder manufacture or storage

Incinerating or reduction of garbage, dead animals, offal or refuse

Ink manufacture

Iron, steel, brass or copper foundries

Junkyards

Lampblack manufacture

Motels, motor lodges, hotels and convention centers, except when authorized by conditional use approval from the Planning Board; accessory retail and service establishments shall be permitted, provided that the same are clearly accessory and incidental to the principal use and are located and have sole access from within the principal structure

Nursing homes, except that facilities for the treatment and rehabilitation of persons suffering traumatic injuries shall be permitted on sites not less than ten (10) acres in size

Oilcloth or linoleum manufacture

Oiled, rubber or leather goods manufacture

Oil reduction

Paint, oil, shellac, turpentine or varnish manufacture

Paper and pulp manufacture

Personal service shops and stores and shops for the sale at

retail of consumer merchandise or services, or both

Petroleum products refining or wholesale storage of petroleum

Places of amusement and recreational areas, except when authorized by special permit from the Board of Appeals

8702 6 - 25 - 90

~,  
~p it '~ tt:43 L~ ~

## ARTICLE XXIX

L Industrial 1 District

(Light Industry)

S 85-308. permitted uses.

A. In the L Industrial 1 District, buildings, structures and premises may be used for any lawful business or industrial use, except as otherwise provided in this Chapter and except for the following prohibited uses:

shredding or grinding of concrete, concrete products, cement, cement products, asphalt, construction or demolition debris, automobiles, scrap metal or other metallic substances.

November 8 1996~ town OF Brookhaven

Plastic compounds manufacture, except when authorized by special permit from the Board of Appeals

Plating works

Potash works

Printing ink manufacture

Public garages and automobile body shops, except when authorized by special permit from the Zoning Board of Appeals and on sites not less than twenty thousand (20,000) square feet in area, subject to the requirements set forth in ° 85-226H(6) of this Code; no public garage or

automobile body shop shall be permitted within industrial subdivisions designated by the Planning Board for high technology or office uses

Pyroxylin manufacture

Residential purposes of any kind, including all types of dwellings, except accommodations for watchmen employed to protect premises when authorized by special permit from the Board of Appeals; dwelling models shall be permitted when authorized by special permit from the Board of Appeals, pursuant to the provisions of ° 8~57

Rolling mills

Rubber or gutta-percha manufacture or treatment

Sauerkraut manufacture

Sausage manufacture

Scrap processors, as defined in Chapter 42 of the Code of the Town of Brookhaven

Shoeblicking manufacture

Shredding of automobiles, scrap metal or other metallic substances

Smelters

Soap manufacture

Soda and compound manufacture

Stockyards

Stone mills or quarries

Storage or baling of scrap paper, iron, bottles, rags or junk, except when authorized by special permit from the Board of Appeals

Stove polish manufacture

Tallow, grease or lard manufacture or refining from animal fat

Tanning, curing or storage of rawhides or skins

Tar distillation or manufacture

Tar roofing or waterproofing manufacture

Tobacco manufacture or treatment

Transfer stations, except when permitted by special permit from the Zoning Board of Appeals; "Transfer station" means a combination of structures, machinery and/or devices at a place or facility where construction or demolition debris consisting of concrete, asphalt, rubble, wood, metal, sheetrock or plasterboard is taken from collection vehicles, sorted in such a manner as to recover recyclable materials and from which unusable by-product is placed in other transportation units for movement to a solid waste management facility

(1) In addition to such conditions and safeguards as may be imposed by other review agencies, the following minimum standards shall apply:

(a) All material shall be stored, handled, unloaded, loaded and/or transferred indoors on an impervious floor surface, including the storage of containers containing recyclable or other materials.

(b) All toxic and hazardous materials shall be prohibited.

Periodic inspections by the Commissioner of the Department of Waste Management of the Town of Brookhaven and its designated employees shall be permitted by the applicant and/or owner.

(d) A minimum lot area of two (2) acres shall be required.

(e) The applicant must demonstrate that adequate on-site parking is provided so vehicles waiting to load or unload will not park on public highways.

(f) Hours of operation shall be demonstrated by the applicant to be limited to minimize impact on surrounding properties.

(g) Any structure located on the site shall ~ a minimum distance of seven hundred fifty (750) feet from property zoned for residential use.

(h) The applicant shall submit a route plan to indicate that traffic generated by the facility will have a minimal impact on residential streets. Said plan shall state the number and frequency of trips to and from the facility.

(I) Outdoor use of the property shall be limited to the parking and maneuvering of vehicles and the storage of empty containers. All storage areas shall be suitably screened and indicated on the site plan.

~) On-street parking of vehicles, containers or any other equipment or materials in any way connected with the facility shall be prohibited.

(k) The maximum height of the facility shall not exceed forty (40) feet.

(l) Any application pursuant to this section shall be a Type I action in accordance with the New York State Environmental Quality Review Act.

8705 6-25.90

° 85~308 BROOKHAVEN CODE ° 8~308

(m) Storage of construction or demolition debris within a transfer station shall not exceed three

(3) calendar days, including holidays, unless the Commissioner of the Department of Waste Management has issued an emergency extension at the request of the permittee.

(n) The geographic sources of the construction and demolition debris as well as the manner in

which it is to be disposed must be identified. All material must originate from sources within the Town of Brookhaven, or the villages located therein.

1/24

(o) The owner or operator of a transfer station shall not accept construction and demolition debris from, nor transfer construction and

j;1 demolition debris to, any open truck, trailer or other container, unless said truck, trailer or container has a cover, tarpaulin or other device of a type and specification approved by the New York State Commissioner of Transportation which completely encloses the opening on said truck, trailer or container, so as to prevent water from mixing with the construction and demolition debris and to prevent the falling of any construction and demolition debris therefrom.

A

0

o \\.;

(p) Transfer stations shall be permitted only for the purpose of transferring and sorting construction and demolition debris from collection vehicles to other transportation units for movement to a solid waste management facility or for movement to a purchaser of recycled materials.

(q) The permittee shall file quarterly reports and an annual report with the Commissioner of the Department of Waste Management detailing the nature and volume of construction and demolition debris handled at the transfer

8706 6-25.90

..4~\*

° 85-308 ZONING ° 85~308

station. Reports shall be submitted within thirty (30) days after each quarter and year of operation.

(r) The Commissioner of the Department of Waste Management may designate additional items commonly found in construction and demolition debris as permissible to be processed at a particular site upon written request of the applicant.

(2) The Zoning Board of Appeals may incorporate as a condition of issuance of any such permit any safeguards it deems necessary to protect the public health, safety and welfare. Said special permit shall be valid for a term not to exceed five (5) years or such shorter term as the Zoning Board of Appeals may deem proper.

Vehicle dismantlers, as defined in Chapter 42 of the Code of the Town of Brookhaven

Vinegar manufacture

Wool pulling or scouring

Yeast plants

Any other trade, business, industry, use or industrial process that may be injurious, hazardous, noxious or offensive to the surrounding area by reason of the emission of odor, dust, light, smoke, soot, gas, fumes, vibration, noise or similar substances or conditions

B. Property located ~within certain hydrogeologic sensitive zones. In the event that L Industrial 1 - zoned property is located within the hydrogeologic zone area described in this Article, the following standards shall apply:

(1) Height. No building or structure shall be erected or altered to a height in excess of fifty (50) feet.

(2) Building area. The total building area shall not exceed thirty percent (30%) of the total lot area.

E

8707 6.25.90

D 18.

8~308 ZONING ° 8~308

(9) Landscaping. No greater than fifteen percent (15%) of any lot shall be established in turf and landscaped areas. All other disturbed areas are to be established in a natural-type vegetation pursuant to plans which shall be approved by the Town of Brookhaven Department of Planning, Environment and Development.

(10) Toxic or hazardous materials; financial assurance. All industries, owners, tenants or occupants whose activity conducted on-site involves storage and handling of toxic or hazardous materials and/or industrial discharges shall be required to submit adequate financial assurances guaranteeing the immediate cleanup of spills or illegal discharges. The Planning Board, as part of its site plan review, shall fix the amount of such assurance in such an amount as it deems adequate for the cleanup of spills or illegal discharges. In addition, said Planning Board shall approve the sufficiency of the financial assurance. In addition, the Planning Board shall not approve any site plan for industries involving storage and handling of toxic or hazardous materials and/or industrial discharges unless an irrevocable consent to enter the property for the purposes of inspection and monitoring is supplied by the owners, tenants and occupants. The owner of any such property shall be required to file a covenant on behalf of himself and his heirs, assigns and successors for the Town of Brookhaven to enter said property and clean up any spills or illegal discharges and to assess the costs of any such cleanup against said property to the extent that the costs of said cleanup exceed the amount recovered from any financial assurance.

(11) Industrial discharge. No industrial discharge shall be permitted unless in conformance with a treatment and disposal system to be approved by the Suffolk County Health Department and the Town of Brookhaven Department of Planning, Environment and Development. This subsection shall not apply to an approved sanitary disposal system, a noncontact cooling water discharge system or precipitation collection and drainage facilities.

8709 6-25.90

° 8~308 BROOKHAVEN CODE ° 8~309

Sampling accessibility must be provided to the above discharges.

° 85-309. Hydrogeologic sensitive zones.

'4

following bounded and described area shall be considered located within a hydrogeologic sensitive zone: beginning at a

0

State Route 27, meets the town line of Southampton and Brookhaven; running thence in a westerly direction along the

of Barnes road and the center line of Sunrise Highway meet;

running thence in a northerly direction along said center line

I of Barnes Road to the school district line between School

District No.21 and School District No.32; running thence in

a westerly direction along said line to a point where the projected center line of Cranford

Boulevard meets; running thence in a northerly direction along the center line of Cranford

Boulevard to a point where said line meets the center line of Moriches - Middle Island Road;

running thence in a

0'

generally westerly direction along the center line of Moriches  
- Middle Island Road to a point where the projected center line of Moriches Road meets; running thence in a northerly direction along the center line of Moriches Road to a point where said line meets the center line of property of the Long Island Rail Road; running thence in a southwesterly and westerly direction along the center line of Long Island Rail Road property to a point where said line meets the center line of Sills Road (County Road 101); running thence in a generally southwesterly direction along the center line of Sills Road to a point where said line meets the center line of Southaven Avenue; running thence in a westerly direction along the center line of Southaven Avenue to a point where projected line meets the center line of Old Medford Avenue; running thence in a northerly direction along center line of Old Medford Avenue to a point where said line meets the projected center line of Cedar Avenue; running thence in a westerly direction along center line of Cedar Avenue to a point where said line projected meets the center line of North Ocean

8710 6 25 - 90

4];

° 8~309 ZONING ° 85-309

Avenue (County Road 83); thence in a northerly direction along the center line of North Ocean Avenue to a point where said line meets the projected center line of Old Fish Road or I. Fisk Road; thence in a generally northwest direction along the center line of Old Fish road to a point projected to the center line of Jamaica Avenue; thence in a westerly direction along the center line of Jamaica Avenue to a point projected to meet the center line of Blue Point Road; running thence in a northerly direction along the center line of Blue Point Road to a point where said line meets the center line of the Long Island Expressway (New York State Route 495); running thence in a westerly direction along the center line of the Long Island Expressway to a point where said line intersects the center line of Nicolls Road (County Road 97); running then in a generally northerly direction along the center line of Nicolls Road to a point where said line meets the projected center line of Mark Tree Road; running thence in a northerly direction along the center line of Mark Tree Road to a point where said line meets the center line of Pond Path; running thence in a continued northerly direction along the center line of Pond

t.

Path to a point where said line meets the projected center line of Upper Sheep Pasture Road; running thence in an easterly direction along the center line of Upper Sheep Pasture road to a point where said line meets the center line of Lower Sheep Pasture Road; running thence in a continued easterly direction along the center line of lower Sheep Pasture Road to a point where said line projected meets the center line of Old Town Road; running thence in a generally southeasterly direction along the center line of Old Town Road to a point where said line intersects the center line of Port Jefferson - Nesconset Highway (New York State Route 347); running thence in a northeasterly direction along the center line of Port

Jefferson

- Nesconset Highway to a point where said line meets the center line of North Country Road (New York State Route 25A); running thence in an easterly direction along the center line of North Country Road (New York State Route 25A) to a point where said line meets the town line between the Town of Brookhaven and the Town of Riverhead, being the easterly boundary of the Town of Brookhaven; running thence along the easterly line of the Town of Brookhaven in a generally southerly then easterly then southerly direction to the point and place of beginning.

B. Said bounds shall be delineated on the Zoning Map of the Town of Brookhaven and are intended to include the Zone III hydrogeologic area as described by the Nassau - Suffolk Areawide Waste Treatment Management 208 Plan and the hydrogeologic sensitive area known as the "South Setauket Woods."

° 85-310 through 85-319. (Reserved)

ARTICLE XXX

L Industrial 2 District  
(Heavy Industry)

° 8~320. Permitted uses.

In the L Industrial 2 District, buildings, structures and premises may be used for any lawful purpose whatsoever, except for gasoline filling stations, commercial centers as defined in ° 8~1 and personal service shops and stores for the sale at retail of consumer merchandise or services, or both, and residential purposes of any kind, including all types of dwellings, and which uses are not in conflict with any other provisions of the Code of the Town of Brookhaven; provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of all buildings and all other appurtenances of the use shall have been approved by the Planning Board and shall have been authorized by special permit from the Board of Appeals:

Accommodations for watchmen employed to protect premises when authorized by special permit from the Board of Appeals; dwelling models shall be allowed when authorized by special permit from the Board of Appeals as permitted and as regulated in ° 85-57C